IN THE HIGH COURT OF BOMBAY AT GOA
***

WRIT PETITION NO. 69 OF 2003

1. Shri Kusta Bhisoo Gaonkar,
   of major age, occupation
   Agriculture, r/o Borcottem-
   Collem, Taluka Sanguem, Goa,
   represented herein by his duly
   Constituted Attorney Shri
   Govind Kusta Gaonkar,

2. Shri Arjun Budho Gaonkar,
   of major age, occupation
   Agriculture, r/o Borcottem-
   Collem, Taluka Sanguem, Goa. ...Petitioners

Versus

1. Shri Rudresh Sadassiva Prabhu,
   age 23 years, r/o Nirancal
   road, Ponda, Goa,

2. Shri Valiyakunnathu Mohammad
   Ismail Rashid, represented
   by defendant no.10, Shri
   T.S.M. Basheer, r/o Borcottem-
   Collem, Sanguem, Goa,

3. Shri Valiyakunnathu Mohammad
   Ismail Rashid, represented
   by defendant n.10, Shri T.S.M.
   Basheer, r/o Borcottem-Collem,
   Sanguem, Goa,

4. Smt. Taddiekaparampil Sayyed
   Mohammed Fatima Baani,
   represented by defendant no.10,
   Shri T.S.M. Basheer, r/o
   Borcottem-Collem, Sanguem, Goa,

5. Smt. Ettupankil Mohammed Khan
   Saleema, represented by
   Defendant no.10, Shri T.S.M.
   Basheer, r/o Borcottem,
   Collem, Sanguem, Goa,

6. Smt. Maliakal Maideen Kannu
   Laila, represented by Defendant
   no.10, Shri T.S.M. Basheer, r/o
   Borcottem, Collem, Sanguem, Goa,

7. Shri Valiyakunnathu Mohammed
   Ismail Safar, represented by
   Defendant no.10, Shri T.S.M.
   Basheer, r/o Borcottem, Collem,

Sanguem, Goa,

8. Dr. P. S. Mathew, represented by Defendant no.10, Shri T.S.M. Basheer, r/o Borcottem, Collem, Sanguem, Goa,

9. Shri Thanguthanajil John Mathew, represented by Defendant no.10, Shri T.S.M. Basheer, r/o Borcottem, Collem, Sangue, Goa,

10. Thadickapanrampil Sayyad Mohammad Bashir, represented Defendant no.10, Shri T.S.M. Basheer, r/o Borcottem, Collem, Sanguem, Goa,

11. Shri Kalarickal Ibrahim Taejurnissa, represented by Defendant No.10, Shri T.S.M. Basheer, r/o Borcottem, Collem, Sanguem, Goa,

12. Smt. Saramma John, represented by Defendant No.10, Shri T.S.M. Basheer, r/o Borcottem, Collem, Sanguem, Goa,

13. Shri Mathew Kurieyan, represented by Defendant no.10, Shri T.S.M. Bahseer, r/o Borcottem, Collem, Sanguem, Goa,

14. Smt. Anna Mathew, represented by Defendant No.10, Shri T.S.M. Basheer, r/o Borcottem, Collem, Sanguem, Goa,

15. Shri LagiKashy Eapen, represented by Defendant No.10, Shri T.S.M. Basheer, r/o Borcottem, Collem, Sanguem, Goa,

16. Smt. Kunjanama Eapen, represented by Defendant No.10, Shri T.S.M. Basheer, r/o Borcottem, Collem, Sanguem, Goa,

17. Smt. Betty Kuriegan, represented by Defendant No.10, Shri T.S.M. Basheer, r/o

Borcottem, Collem, Sanguem,
Goa,

18. Shri Abey Abraham Eapen,
represented by Defendant No.10,
Shri T.S.M. Basheer, r/o
Borcottem, Collem, Sanguem, Goa,

19. Smt. Ramavatibai Nagesh Shet
Parkar, wife of Nagesh Babai
Shet Parkar, age 57 years,
housewife, r/o Durgabhat,
Ponda, Goa,

20. Shri Balikant Naguesh Parkar,
(since expired) represented
by his legal heirs, i.e.
Defendant No.20A and Defendant
No.21,

20. A.Kum. Darshan Balikant Parkar,
r/o Durgabhat, Ponda, Goa,

21. Shrimati Balikant Parkar,
of major age, r/o Durgabhat,
Ponda, Goa,

22. Shri Bhawanidas Nagesh Parkar,
of major age, r/o Durgabhat,
Ponda, Goa,

23. Shri Vijayaram Nagesh Parkar,
of major age, r/o Durgabhat,
Ponda, Goa,

24. Smt. Vijayaram Parkar, of
major age, r/o Durgabhat, Ponda,
Goa,

25. Smt. Devi Chandrakant Sawant,
of major age, r/o Durgabhat,
Ponda, Goa,

26. Shri Chandrakant Sawant, of
major age, r/o Durgabhat,
Ponda, Goa,

27. Smt. Mali Naguesh Parkar,
of major age, r/o Durgabhat,
Ponda, Goa,

28. Shri Shree Parkar, of major age,
r/o Durgabhat, Ponda, Goa,

29. Smt. Vanita Naguesh Parkar,
of major age, r/o Durgabhat

of Ponda Taluka, Goa,

30. Smt. Parvati Shankar Aenkar, of major age, occupation - housewife, r/o Navawada, Collem, Goa,

31. Shri Shankar Aenkar, of major age, occupation agriculture, r/o Navawada, Collem, Goa, and

32. M/s Sociedade de Fomento Industrial Ltd., a company incorporated under the Indian Companies Act, 1956, having its office at Margao, Goa. ...Respondents.

Shri S. N. Joshi, advocate for the petitioners.

Shri Sudesh Usgaokar, advocate for respondent no.32.

CORAM : F. I. REBELLO, J.

DATE : 26th June, 2003.

ORAL ORDER

Heard learned counsel for the parties. The challenge is to the Order of the trial Court dated 15th January, 2003, whereby the trial Court has rejected the application by the petitioners herein for inspection of documents from plaintiff no.1.

2. The case of the plaintiffs is for injunction and cancellation of sale deeds. The plaintiffs/petitioners herein claim to be the owners of the land. If that be the case it is the plaintiffs who will have to prove that the suit land which according to them the respondents have encroached upon, belonged to them. Once that be the case, whatever documents the respondents have in their favour would be inconsequential. If the respondents are seeking to

rely on any documents, that would be subject to the rules regarding production of documents.

In the light of that I do not find that this is a fit case for this Court to interfere with the order passed by the trial Court. In the light of that the Writ Petition is rejected.

F. I. REBELLO, J.

mc.